

STAFF REPORT

Prioritization of Basin Planning Issues

2001 Triennial Review of the *Water Quality Control Plan for the North Coast Region* (Basin Plan)

July 23, 2001

Prepared by

**Staff of the
North Coast Regional Water Quality Control Board
Watershed Management Division
Planning Unit**

California Regional Water Quality Control Board, North Coast Region 2001 Triennial Review: Executive Summary

The California Water Code and the federal Clean Water Act direct the Regional Water Quality Control Boards (Regional Water Boards) to periodically review their Water Quality Control Plans, also known as Basin Plans. This process is known as the Triennial Review. During the Triennial Review, necessary revisions to the Basin Plan are formally identified and ranked during a public hearing. These modifications to the Basin Plan are then implemented through future Basin Plan amendments, according to their relative priority and available resources.

This is the second of two public reports prepared by staff of the North Coast Regional Water Board on the Triennial Review of the *Water Quality Control Plan for the North Coast Region* (Basin Plan). The first public report was issued on May 4, 2001, and 1) described the schedule for the Triennial Review, 2) provided an update on the status of water quality issues identified in the previous Triennial Review, and 3) included a staff assessment of the adequacy of the Basin Plan and the need for revision.

In June 2001, Regional Water Board staff held public workshops to receive comments regarding the need to review and revise the Basin Plan. In addition, written comments regarding the Triennial Review have been submitted to the Regional Water Board office. This report contains a summary of the oral and written testimony received during the comment period, and proposes a priority ranking for each issue. Additional discussion regarding many of the issues may also be found in the May 4, 2001 Triennial Review Public Report.

Regional Water Board staff greatly appreciates all of the comments that were received. Many valid concerns were raised during this process. Unfortunately, resources are extremely limited and a very long list of issues has been identified that staff would like to address. Based on the written and oral comments received and internal meetings with Regional Water Board staff and management, staff identified twenty-six (26) basin planning issues that need to be addressed. Regional Water Board staff assigned each issue a priority level: high priority (H), medium priority (M), low priority (L), not a priority at this time (N/P) and not applicable to basin planning (N/A). These issues are addressed in order of priority, applying resources as available. A number was assigned to each issue (Issue #) in the May 4, 2001 Triennial Review Report. The number originally assigned to each issue is included in this report for reference purposes.

Priorities were assigned by Regional Water Board staff using several criteria, such as: region-wide water quality priorities, state or federal requirements and/or recommendations (e.g., new legislation, new U.S. Environmental Protection Agency (USEPA)) criteria guidance, court orders, requirements per USEPA review of previous Basin Plan amendments), known environmental impacts with inadequate controls, need for additional regulatory flexibility for special circumstances, relationship to Total Maximum Daily Loads (TMDLs), and consistency with previous USEPA, Office of

Administrative Law (OAL), State Water Resources Control Board (State Water Board) or Regional Water Board decisions.

The results of this evaluation identified several issues as high priorities. Personnel resource needs of 17.4 personnel years (PYs) have been estimated to accomplish the highest priority work. The current resource allocation for Basin Planning is approximately 2.2 PY per year. Staff estimates that with existing resources we can address the top seven (7) priorities over the next three years (the planning horizon for the Triennial Review). Table 1 lists all¹ basin planning issues identified during this Triennial Review, and presents a recommended priority ranking along with a estimate of staff resources (PYs) required to accomplish the planning tasks. Please note that these resource estimates are conservative. Regional Water Board staff will keep the Board apprised of the actual resources expended as the individual Basin Plan Amendments are completed. The seven (7) highest-ranking issues include:

1. Amend Beneficial Uses Section including Table 2-1,
2. Develop a Regionwide Action Plan for Control of Sediment Discharges ,
3. Adopt TMDLs and associated Implementation Plans as Basin Plan amendments,
4. A) Develop Basin Plan Language Requiring Waste Discharges to Comply with the California Toxic Rule, B) Consider Revision to the Water Quality Objective For Toxicity, C) Develop a Policy Regarding Water Quality-Based Effluent Limitations and Mixing Zones, D) Review Chemical Objectives in Section 3, Water Quality Objectives- Title 22 Reference, E) Compliance Schedule Issues
5. Update Section IV. Implementation Plans, Nonpoint Source Measures with Regard to Logging, Construction, and Associated Activities and Herbicide Wastes from Silvicultural Application,
6. Update the Water Quality Objectives for Groundwater to Include All Objectives Applicable to Identified Groundwater,
7. Add Water Quality Objectives for Bacteria

If additional funding becomes available, more issues further down on the priority list would likely be addressed in the order they have been prioritized (see Table 1).

At the public hearing for the Triennial Review of the Basin Plan on August 23, 2001, the Regional Water Board will be asked to consider the proposed Priority List of Planning Issues resulting from this Triennial Review. At the close of the public hearing, the Regional Water Board will be asked to adopt the Priority List. Once the list is adopted, Regional Water Board staff will submit the adopted Priority List to the State Water Board. The State Water Board in turn will make the results of the Triennial Review available to the USEPA for approval. The Priority List adopted by the Regional Water Board will direct its planning efforts for the next three years to the extent staffing resources are available.

¹ Issues # 19-22, were not included in Table 1, as they are funded through a contract with SCWA

STAFF RESPONSE TO WATER QUALITY ISSUES RAISED DURING THE 2001 TRIENNIAL REVIEW OF THE BASIN PLAN

ISSUE # 8: AMEND TABLE 2-1, BENEFICIAL USES

Testimony:

By letter dated July 6, 2001, Russian RiverKeeper stated that they are “suspect” of the inclusion of WARM beneficial use for the Laguna de Santa Rosa (see #3 below) because of alleged “temperature violations” in this waterbody. They requested assurance that the cold freshwater habitat (COLD) designation would be the primary beneficial use when warm freshwater habitat (WARM) is listed for the same waterbody. They also requested that municipal and domestic water supply (MUN) and groundwater recharge (GWR) be added to the beneficial uses of the Laguna.

In a letter dated July 6, 2001, the Russian River Watershed Protection Committee re-submitted their objection to staff’s recommendation to add the WARM beneficial use designation to Table 2-1 for the Laguna de Santa Rosa. They cited concerns that the Laguna never naturally supported a warm water habitat and that acknowledging the WARM beneficial use designation would result in less strict temperature standards which they cite as “a contradiction to” the proposed establishment of temperature standards” (see Issue # 5).

Brock Dohlman, Occidental Arts and Ecology Center, commented at the Santa Rosa workshop on June 12, 2001, that the Regional Water Board should consider defining watersheds in the Basin Plan to the sub-tributary level. He believes that “working on this scale would increase the efficacy of our ability to have discernment at a landscape level.”

During comments delivered at the Yreka workshop on June 6, 2001, the California Department of Fish and Game concurred with staff’s recommendation to update Table 2-1, Beneficial Uses. CDFG will submit specific written comments addressing this update before the August hearing date.

The City of Santa Rosa agreed with the proposed beneficial use changes for the Russian River and the Laguna in oral testimony given at the Yreka workshop on June 6, 2001

Discussion and Response:

The purpose of the Triennial Review list process is to develop a list of priorities for the next three years. Most of the above comments are specific to details of a proposed amendment, not whether or not it should be included in the Triennial Review Priority list. Those comments and suggestions will be considered when the specific amendment to the beneficial use table is released for public comment and subsequent consideration by the Regional Water Board.

However, to provide a short response; there are common instances where cold-water and warm-water ecosystems co-exist in a watershed. It may be a matter of location (i.e. cold-water in upper tributaries, warm-water in summer in the lower mainstem) and/or timing (i.e. cold-water fish migrating through an area that is warm-water habitat in the summer, but cold in the winter). For instance, the Russian River has both designations. Adding the beneficial use WARM does not jeopardize a cold-water species; rather it recognizes the reality in the waterbody and provides an extra level of protection for the waterbody. The Regional Water Board is required to protect all beneficial uses and cannot protect one use to the detriment of another.

Regional Water Board staff recommend amending the Beneficial Use Section of the Basin Plan including Table 2-1, to address needed additions and revisions. Consideration will be given to defining watersheds at a lower scale of resolution. Staff will propose several additions, including GWR and MUN designations for the Laguna, when that amendment is proposed to the public and the Regional Water Board for consideration at a future date.

Proposed Priority: High

ISSUE # 18: DEVELOP REGIONWIDE ACTION PLAN FOR CONTROL OF SEDIMENT DISCHARGES

Testimony:

The Russian River Watershed Protection Committee (RRWPC) (July 4, 2001 letter) supports the proposal for a regionwide approach to sediment control. The RRWPC questioned how it will relate to 1) the new Stormwater Permitting requirements, 2) the proposals in the National Marine Fisheries Service Biological Assessment and Biological Opinion for the Section 7 process currently underway with the US Army Corps and the Sonoma County Water Agency under the Federal Endangered Species Act (ESA), and 3) TMDLs. The RRWPC believes that a lack of numerical standards makes it next to impossible to regulate individual dischargers.

The Russian RiverKeeper (July 6, 2001 letter) requested that the Regionwide Action Plan for Sediment Control be tied to the aforementioned Section 7 process.

Jesse Noel, Licensed Timber Operator, commented at the Eureka workshop on June 5, 2001, that he supports this issue. He stated that monitoring needs to be in place to evaluate erosion and to produce a foundation to evaluate management practices. This comment also applies to Issue # 12 – *Nonpoint Source Measures*. He stated specific concern for areas where people rely on the water supply for domestic use and in the flood plains of farm belts.

Discussion and Response:

We appreciate the commentors' support for this issue. The Regionwide Action Plan for Sediment Control will be a strategy designed to identify and address controllable

sediment sources across the North Coast Region. As currently envisioned by staff, the strategy will address two categories. One category will provide an after-the-fact remedy for existing nonpoint sediment pollution sources. The other category will prescribe enforceable operating standards intended to prevent creating potential new controllable sediment sources. Such mechanisms will include construction requirements and will address land management measures for roads, watercourses, near stream facilities, unstable areas, riparian management zones, gravel mining, grazing, and agriculture.

The Regional Water Board expects the sediment control strategy to result in compliance with existing water quality standards for sediment, including both the numeric and narrative standards. As such, the sediment control strategy will not include revisions to the existing water quality standards. The sediment control implementation strategy provides greater assurance that water quality standards will be met and more adequately addresses the cumulative effects of sediment on beneficial uses.

The new Phase II Storm Water Program will bring construction sites one acre or larger under regulation by the federal Clean Water Act for storm water discharge controls. Agriculture will still be exempt from the Phase II Storm Water Program; however, agriculture will be addressed in the regionwide sediment control strategy. The Phase II program will require projects to implement sediment control measures. As with the current Storm Water Program, Phase II will; 1) only require minimal compliance standards, 2) set a winter prohibition on new ground disturbance, 3) require installation erosion control measures at the start of the rainy season, and 4) maintenance of control measures throughout the rainy season. The program will not require post-development storm water control, and will not specify a design storm for erosion control measures. However, it is envisioned that the sediment control strategy will also address construction activities and as such, will provide a strong basis for sediment controls on permitted developments. Phase II also requires municipalities to develop storm water control programs. Having specific guidance in the Basin Plan provides the Regional Water Board with a mechanism to require local municipalities to implement sediment control measures using this municipal storm water program.

The sediment control measures described in the regionwide strategy should provide support for the federal Endangered Species Act Section 7 process. The Regional Water Board has received correspondence from the National Marine Fisheries Service (NMFS) expressing concerns about impacts from ground disturbing/new development projects. The measures we suggest for the regionwide approach to sediment control are exactly what NMFS is asking for. NMFS staff, in discussions with the Regional Water Board, has indicated that without such controls on new development projects, they will probably require a Section 7 consultation for every new project that discharges storm water into streams with species listed under the Endangered Species Act.

The overall sediment control strategy is expected to be in place prior to completion of most sediment TMDL implementation plans. The sediment source evaluations and implementation plans required for the sediment control strategy will serve, in part, as “early action plans.” These “early action plans” will contain measures to minimize

nonpoint source pollution, even before specific TMDL targets have been calculated and allocated among the various nonpoint sources within the basin. Erosion Control Plans developed as part of the regionwide sediment control strategy, submitted prior to the completion of a sediment TMDL, might require changes once the TMDL is adopted. If the plans include sound conservation practices and proven erosion control measures, then changes will likely only fine-tune the plans to ensure that the measures meet the area-wide water quality management plan and move towards the attainment of numeric targets set forth in the TMDL.

Priority: High

ISSUE # 9: AMEND SECTION 4. IMPLEMENTATION PLANS TO INCLUDE TMDL IMPLEMENTATION STRATEGIES FOR 303(d) LISTED WATERBODIES

Testimony:

The Russian River Watershed Protection Committee (RRWPC) (July 4, 2001 letter), opposed the removal of Laguna de Santa Rosa from the 303(d) list (for nutrient loading) and questions how the Regional Water Board will deal with disagreement on de-listing. RRWPC agrees that the issue remains as a high priority.

The Russian RiverKeeper (July 6, 2001 letter) expresses concern that the sediment TMDL is not scheduled until 2011. They strongly urge that the Board work on the region wide plan for sediment control in the meantime.

At the Yreka workshop on June 6, 2001, the California Department of Fish and Game (CDFG) requested that the Regional Water Board include all limiting factors of a waterbody in the TMDL process and address them all concurrently. CDFG recommended additional pollutants to be added to the TMDL list prior to the development of TMDLs and that implementation plans be included in the Basin Plan.

At the Santa Rosa Workshop on June 12, 2001, Ann Cassidy requested placement of Salmon Creek (Sonoma County) on the 303(d) list of impaired waterbodies. She also requested information on how a small watershed can receive funding for restoration when there are so many larger issues.

Brian Hines, requested during the Santa Rosa Workshop, that the Russian River be moved forward on the TMDL schedule due to the presence of endangered species.

At the Yreka workshop on June 6, 2001, the U.S. Forest Service requested information on why the Salmon River (Siskiyou County) is listed for nutrients.

Discussion and Response:

Addition of limiting factors to a waterbody is a listing issue and appropriately addressed through the 303(d) update. The Regional Water Board updates its 303(d) list every other

year after holding public hearings to receive public comment. The questions and comments above that relate to the 303(d) update were forwarded to the appropriate staff person for inclusion in the 303(d) process, which is currently underway.

The RRWPC commented on the proposed 303(d) listing in March of this year. The Regional Water Board provided the following response, which also addresses the comments received regarding the Triennial Review. “The Laguna de Santa Rosa was listed for high ammonia and low dissolved oxygen in 1992. A TMDL for total nitrogen and dissolved oxygen demand was completed and approved by the U.S. EPA for the Laguna de Santa Rosa in 1995. At the December 11, 1997 Regional Water Board meeting, Resolution No. 97-132 as modified by the Board was adopted, authorizing the update of the 303(d) list and 305(b) Water Quality Assessment, which included the de-listing of the Laguna de Santa Rosa based on the implementation of the TMDL for nitrogen and dissolved oxygen demand. In addition, a January 14, 1998 letter to “Interested Parties” transmitted the amended Resolution No 97-132. In November 1998, the U.S. EPA approved the de-listing of the Laguna de Santa Rosa.”

At the November 10, 1997 Public Hearing to Consider Adoption of the 1998 Water Quality Assessment and Revisions to the Clean Water Act Section 303(d) List, staff recommended investigating dissolved oxygen (DO) levels in the Laguna to determine if objectives are appropriate (or add low DO as a limiting factor for the Laguna). Regional Water Board staff is in the process of evaluating DO objectives.

The Laguna has not been listed specifically for phosphorus. During the current 303(d) listing cycle, staff will review available phosphorus data. Similarly, temperature impairment will be reviewed, based on available data. While staff recognize the utility of addressing multiple factors on a waterbody, we have not been successful in addressing pollutants in a TMDL beyond those specifically listed for a waterbody due to a variety of reasons, including local sentiment and staffing resources.

As illustrated in the April 6, 2001 staff response provided for the 303(d) list, although the Laguna de Santa Rosa was de-listed by the Regional Water Board in 1997 and U.S. EPA in 1998, the Regional Water Board is still actively evaluating and monitoring the Laguna de Santa Rosa for nutrients, temperature, and DO.

The sediment TMDL for Russian River is scheduled for 2011. This issue is also addressed under Issue #21: *Update Sediment Objective for the Russian River*.

Issues related to funding for restoration were forwarded to the Prop 13 and 319(h) funding staff contacts.

The Regional Water Board must amend its Basin Plan to include a TMDL, implementation plan, and monitoring plan for each USEPA and Regional Water Board developed TMDL.

Proposed Priority: High

ISSUE #13: DEVELOP BASIN PLAN LANGUAGE TO RECOGNIZE THE CALIFORNIA TOXICS RULE

Testimony:

In letters dated July 6, 2001, Sharon Marchetti, Technical Specialist- Water, St. Joseph Health System, and Russian RiverKeeper stated their support for this issue.

Ms. Marchetti agrees with staff's proposal to include the entire document (State Implementation Policy) in the Basin Plan and linkage of this to Issues #14 and 17. She asked that specific language and limitations be defined and incorporated. Ms. Marchetti added that "accurate sampling data on chemicals do not currently exist; therefore stringent protective discharge restrictions should be employed."

Russian RiverKeeper inquired as to whether this language would replace numeric targets for each pollutant.

Discussion and Response:

Staff recommends including language explaining and referencing the statewide policy on implementation of the California Toxics Rule. The State Water Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the State Implementation Policy or SIP) on March 2, 2000. The SIP (effective as of May 22, 2000) was created following the rescission of the Inland Surface Waters Plan and Enclosed Bays and Estuaries Plan in 1994. The SIP was developed in response to federal regulations that require each state to develop standards for toxic pollutants. Specifically, the SIP implements provisions promulgated by the USEPA in the California Toxics Rule (CTR), which established criteria for 126 priority pollutants.

The SIP applies to discharges of toxic pollutants into the inland surface waters, enclosed bays, and estuaries of California subject to regulation under the state's Porter-Cologne Act (Division 7 of the California Water Code) and the federal CWA. The SIP establishes: (1) implementation provisions for priority pollutant criteria promulgated by the USEPA through the National Toxics Rule (NTR) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Boards in their basin plans; (2) monitoring requirements for polychlorodibenzodioxins and polychlorodibenzofurans; and (3) chronic toxicity control provisions.

For many dischargers, insufficient background and effluent data exist to determine whether any of the priority pollutants are, or may be, discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard. In accordance with the SIP, the Regional Water Board Executive Officer has issued 13267 (b) orders to require dischargers to obtain these data. After the data are gathered, the reasonable potential analysis (RPA) is performed to assess the reasonable potential to cause or contribute to an excursion above any applicable priority

pollutant criterion or objective. If the potential is present, then the permit is re-opened to include additional numerical limitations, as necessary.

Staff recommends including a reference to the SIP in the Basin Plan, to clarify its implementation in such a way as to avoid the need for future amendments when the document is revised. Numeric criteria from the California Toxics Rule for the referenced priority pollutants will be included by reference and the narrative criteria will remain unchanged to cover toxic pollutants which may not be covered under the California Toxics Rule, and to address synergistic or additive toxicity. For greater efficiency, this project will also include a review of Issues # 14, 15, 16, and 17. For further information, please see refer to the discussion related to each of these issues.

Priority: High

ISSUE #14: CONSIDER REVISION TO THE WATER QUALITY OBJECTIVE FOR TOXICITY

Testimony:

Russian RiverKeeper, stated in their letter dated July 6, 2001, that they strongly urge the replacement of narrative criteria with numeric criteria.

Discussion and Response:

This issue was raised by Regional Water Board staff during the 1998 Triennial Review. Staff proposes to incorporate the California Toxics Rule (State Implementation Plan-SIP) into our Basin Plan (see Issue # 13) and include numeric criteria for the referenced priority pollutants. We plan to keep the narrative criteria to cover toxic pollutants, which may not be covered under the priority pollutant list, and to address the synergistic or additive toxic effects of discharges. This issue will be addressed concurrently with Issues # 13, 15, 16, and 17. For additional discussion please see the responses to these other issues.

Proposed Priority: High

ISSUE #17: CONSIDER INCLUDING A POLICY REGARDING WATER QUALITY -BASED EFFLUENT LIMITATIONS AND MIXING ZONES

Testimony:

Miles Ferris, Director of Utilities, City of Santa Rosa, requested during oral testimony given at the Yreka workshop on June 6, 2001, that Regional Water Board staff be directed to evaluate a Basin Plan Amendment that would “recognize that dilution of reclaimed water with receiving occurs, when establishing effluent limits.” Mr. Ferris stated that “if the Basin Plan is not modified to recognize that dilution, compliance with the anticipated limits by these methods would, be extremely costly and, for other

constituents, compliance would be infeasible.” Mr. Ferris plans to submit specific compliance issues and costs related to treatment to the Regional Water Board for review.

The Russian River Watershed Protection Council (RRWPC), in their letter dated July 6, 2001, asked if the California Toxics Rule could be interpreted to mean that the North Coast Water Board can prohibit mixing zones, justified by the designation of three threatened species (anadromous salmonids) within the Region. The RRWPC and RiverKeeper (July 6, 2001) oppose allowance of mixing zones.

Discussion and Response:

The Clean Water Act allows mixing zones at the discretion of the State, and USEPA recommends that States have a definitive statement in their standards on whether or not mixing zones are allowed. The State Implementation Policy allows mixing zones and addresses mixing zones as they relate to the priority toxic pollutants.

This Regional Water Board has historically declined to allow the use of mixing zones for dilution of wastewater discharges. Regional Water Board staff proposes comprehensive review of this issue concurrently with Issues # 13, 14, 15 and 16. It would be beneficial to Regional Water Board staff and dischargers to consider a Basin Plan Amendment clarifying the Regional Water Board’s policy on mixing zones. All information submitted by interested parties will be reviewed as part of the review process.

Proposed Priority: High

ISSUE #16: REVIEW CHEMICAL OBJECTIVES IN SECTION 3. WATER QUALITY OBJECTIVES- with reference to Title 22

Testimony:

In letters dated July 6, 2001, the Russian River Watershed Protection Council (RRWPC), Sharon Marchetti, Technical Specialist- Water, St. Joseph Health System, and Russian RiverKeeper, stated that they are unclear about what this issue would accomplish and requested that the Regional Water Board make this information available to the public. The RRWPC also requested that Table 3-2 in the Basin Plan, be expanded to include the California Toxics Rule numeric objectives (see comments under Issue # 13). Ms. Marchetti requested specific objectives outlined under Title 22 be included in the Basin Plan.

Discussion and Response:

In reviewing the City of Santa Rosa’s 1998 Triennial Review comments on this issue, Regional Water Board staff recognized that the Title 22² limitations specified in the Basin Plan are outdated. Staff recommended that this section of the Basin Plan be revised to include a general reference to the tables in Title 22 that contain chemical objectives and to remove the specific objectives from the Basin Plan. This would

² The most recent version of Title 22 can be found at: www.dhs.ca.gov

eliminate the need for a Basin Plan Amendment revising this Section each time the Title 22 objectives are revised. Staff proposes a review of this issue concurrently with Issues # 13, 14, 16 and 17. For additional discussion, please see the responses to these other issues.

We do not see the need to duplicate the California Toxics Rule water quality numeric objectives within Table 3-2 of the Basin Plan. Rather, we propose to reference the extensive tables provided in the Policy for Implementation of *Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, March 2, 2000* which implements the California Toxics Rule.

Proposed Priority: High

ISSUE # 15: COMPLIANCE SCHEDULE ISSUES

Testimony:

In a letter dated July 6, 2001, Sharon Marchetti, Technical Specialist- Water, St. Joseph Health System, stated that she disagrees with any postponement of this issue. A delay to the 2004 Triennial Review “would result in continued and increased discharges affecting water quality.” Ms. Marchetti inquired as to existing “barriers in defining specific timeframes for compliance?”

In a letter dated July 6, 2001, Russian RiverKeeper stated “that a reasonable amount of time should be accompanied by strict adherence to each compliance schedule and if not adhered to, enforcement measures taken.” They also requested listing of compliance schedules on the Regional Water Board website.

Discussion and Response:

This issue was raised during the 1998 Triennial Review, by the City of Santa Rosa, in relation to the up-coming California Toxics Rule. They requested an allowance for compliance schedules with water quality based effluent limits to “provide additional flexibility for compliance and soften the economic effect of compliance.”

The State Water Resources Control Board's Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) contains a provision for compliance schedules in NPDES permits for California Toxics Rule criteria. Without a policy or Basin Plan provision that authorizes compliance schedules, the Regional Board may not include compliance schedules in NPDES permits for effluent limitations for other pollutants. (Compliance schedules may be included in non-NPDES waste discharge requirements for all pollutants, as necessary). Regional Water Board staff proposes review of this issue concurrently with Issues # 13, 14, 16 and 17. It would be beneficial to Regional Water Board staff and dischargers to consider a Basin Plan Amendment clarifying the Regional Water Board's policy on compliance schedules.

Proposed Priority: High

ISSUE #12: UPDATE SECTION 4. IMPLEMENTATION PLANS, NONPOINT SOURCE MEASURES WITH REGARD TO LOGGING, CONSTRUCTION, AND ASSOCIATED ACTIVITIES AND HERBICIDE WASTES FROM SILVICULTURAL APPLICATIONS

Testimony:

At the Eureka Triennial Review workshop on June 5, 2001 Jesse Noel, Licensed Timber Operator, Darryle Story and Jan Kraepelien residents/members of the Freshwater Creek Working Group suggested that this section of the Basin Plan also be revised to contain monitoring requirements.

At the Eureka workshop, Freshwater Resident and Freshwater Creek Working Group member, Jan Kraepelien, requested that we look at the issues related to timber harvest in Freshwater Creek watershed as a "test case." Mr. Kraepelien asked that the Regional Water Board continue to request monitoring data from dischargers to substantiate their view that the harvest rate should be reduced to 1% per year.

The U.S. Forest Service requested at the Yreka workshop on June 6, 2001, that the "Action Plan for Control of Sediment Discharges from Silvicultural Applications" in the Basin Plan, be revised to clarify the roles of the Regional Water Board and the U.S. Department of Agriculture. The U.S. Forest Service also requested that this section be revised to include Best Management Practices (BMPs) for herbicide application related to noxious weed abatement adjacent to waterbodies.

At the Yreka workshop, the California Department of Fish and Game concurred with staff's recommendation to update this section of the Basin Plan.

In a letter dated July 6, 2001, Sharon Marchetti of St. Joseph Health System, stated her agreement with staff's recommendation to revise this Section. Ms. Marchetti "supports

changes to make all waters of the Region subject to prohibitions consistent with water quality objectives.”

Discussion and Response:

This portion of the Basin Plan, used in relation to logging activities, has not been amended since the Regional Water Board first adopted it in 1972. There have been several significant changes in logging regulations and policies; therefore, it would be beneficial to review this policy for potential Basin Plan revision when planning resources are available to do so.

We appreciate the commentors’ positive comments and suggestions. Staff proposes completion of a Basin Plan Amendment to update this section. In addressing an amendment, staff will consider all of the above listed comments: inclusion of monitoring requirements, revisions to update and clarify the roles of other agencies, and BMPs for herbicide application, as well as other comments that come forth in the amendment process for this issue. Please also see the discussion related to Issue #7- *Nonpoint Source Measures*, as it relates to monitoring.

Proposed Priority: High

ISSUE #32: UPDATE THE WATER QUALITY OBJECTIVES FOR GROUNDWATER TO INCLUDE ALL OBJECTIVES APPLICABLE TO IDENTIFIED GROUNDWATER BENEFICIAL USES: MUN, AGR AND IND

Testimony:

The Russian River Watershed Protection Council, commented in their letter dated July 6, 2001, that they support this issue.

Robert Rawson, Industrial Wastewater Solutions, commented in a letter dated July 6, 2001, that Section 4 of the Basin Plan, Implementation Plans, needs to be “carefully re-crafted so that it does not hamper technology (related to on-site wastewater disposal) that is beneficial to the goals of zero discharge.” Mr. Rawson requests that guidelines be incorporated into the Basin Plan that allow waivers of groundwater depth for alternative systems (such as Marsh Forest systems). Mr. Rawson provides specific details in his letter on filtration systems and soil properties.

Discussion and Response:

The comments provided by Mr. Rawson relate to Issue # 3 *Review the Policy on the Control of Water Quality with Respect to On-site Waste Treatment and Disposal Practices*. Please see response under this issue.

The Basin Plan currently contains four general water quality objectives for Groundwaters: Taste and Odors, Bacteria, Radioactivity, and Chemical Constituents. The objective for Toxicity does not appear under the groundwater heading.

This objective is applicable to groundwater (which may be used for irrigation or aquaculture) as well as to surface waters, and should be included in the list of objectives in the Basin Plan under the groundwater section. Staff recommends completion of a Basin Plan Amendment to accomplish this.

Priority: High

ISSUE #26: UPDATE BACTERIA OBJECTIVES

Testimony:

None received.

Discussion:

The Basin Plan water quality standards include only total and fecal coliform bacteria as indicators. In 1986, USEPA published its 304(a) water quality criteria for bacteria, which recommends the use of *Escherichia coli* (*E. coli*) and Enterococci rather than fecal coliforms for the protection of primary contact recreation. The epidemiological data upon which the national criteria are based suggest that these bacterial indicators are better correlated to water contact-exposure related health effects. In addition, USEPA's Action Plan for Beaches and Recreational Waters (EPA/600/R-98/079, March 1999) calls for all states to adopt bacterial standards that are consistent with USEPA guidance by 2003. New draft freshwater beach bacterial standards are being proposed. Regional Water Boards can continue to use total and fecal coliform in addition to *Escherichia coli* and Enterococci; however, USEPA requests that the Basin Plan be revised to include these criteria.

Priority: High

ISSUE# 5: CONSIDER REVISIONS TO THE WATER QUALITY OBJECTIVES FOR DISSOLVED OXYGEN AND TEMPERATURE

Testimony:

Both the Russian River Watershed Protection Committee and Russian RiverKeeper in oral testimony and in letters dated July 6, 2001, supported staff's recommendation to consider revisions to water quality objectives for dissolved oxygen (DO) and temperature. They requested stricter DO standards and stated opposition to lowering of standards. They believe that goals should be developed to assure that the minimum dissolved oxygen standards, as currently listed in the Basin Plan, are strictly adhered to. RiverKeeper asked if causes of temperature exceedance will be addressed.

The RRWPC requested confirmation that this issue was being proposed for inclusion in the 2001 Triennial Review. The RRWPC requested that the Regional Water Board address the issue of very low dissolved oxygen (DO) in the City of Santa Rosa wastewater ponds. They also recommended that DO studies include the full range of test levels for the entire nutrient cycle (including diurnal readings taken around 4 a.m.).

Miles Ferris, Director of Utilities, City of Santa Rosa, requested that the DO objective for the Laguna de Santa Rosa be reviewed as soon possible. The DO objective for the Laguna is currently 7 mg/L and “the Laguna does not attain this objective at some times and locations due to natural factors.” Mr. Ferris explained that the City submitted documentation of this in the May 20, 1998 Triennial Review letter.

Discussion and Response:

Specific Water Quality Objectives for the North Coast Region are set forth in Table 3-1 of the Basin Plan. Some specific staff comments regarding the DO and temperature objectives follow.

Dissolved Oxygen: The objectives for dissolved oxygen include minimum concentrations, 90% Lower Limits, and 50% Lower Limits. The 90% lower limits represent the 90 percentile values for a calendar year; 90% or more of the values must be greater than or equal to a lower limit. The 50% lower limits represent the 50 percentile values of the monthly means for a calendar year; 50% or more of the monthly means must be greater than or equal to a lower limit.

The objectives may not be an appropriate gauge for measuring water quality or for adequately protecting cold water resources. Many waters in the North Coast Region experience cycles of dissolved oxygen concentrations throughout a 24-hour period. In addition, levels of dissolved oxygen in water may fluctuate as a result of air and water temperatures. The current objectives do not take these natural occurrences into account.

Water Temperature: With the exception of specific temperature objectives for the Trinity River, the Basin Plan objectives for temperature follow the statewide policy on thermal discharges: 1) temperature increases from elevated temperature wastes are limited in the Lost River, an interstate water in the Klamath River Basin, to no more the 2 ° F when the receiving water temperature is less than 62 ° F, and no increase when the receiving water exceeds 62 ° F; 2) no alteration of the natural receiving water temperature unless it is demonstrated that beneficial uses will not be affected, and 3) an upper limit of 5 ° F increase in any case for waters other than the Lost River designated as warm or cold freshwater habitat.

In streams historically supporting coldwater aquatic systems and experiencing warming from multiple factors, a simple limit on the increase in temperature is not fully protective of coldwater resources. For example, a stream may already be near the upper limit for salmonid fishes, and an increase of 5 ° F would put it into the stress zone for maintenance of a coldwater fishery. Additionally, the amount of oxygen that can be dissolved in water is inversely proportional to the water temperature, warmer water accepting less dissolved oxygen.

Other California Regional Water Board temperature objectives are similar to those contained in the North Coast Basin Plan, with some regions specifying specific objectives by water body or allowing no increase above natural receiving water temperatures.

Several other states specify maximum limits for warm and cold water resources, some with allowed increases to a maximum limit. Others specify maximum limits by water body category and/or beneficial use.

This issue was raised by Regional Water Board staff as a carry-over issue from the 1995 and 1998 Triennial Reviews. Staff has devoted some planning resources to this issue and concluded that, while the objectives need to be addressed, staffing was not sufficient to cover the multiplicity of issues surrounding changes to the DO and temperature objectives.

However, a contract currently underway with the Sonoma County Water Agency to evaluate water quality objectives with respect to Federal Endangered Species Act protections for salmonids in the Russian River will address objectives for these two stressors during the next three years. This effort will provide data to assist in development of objectives that will be useful for the undertaking of a Basin Plan Amendment addressing revised objectives. In addition, revision of the temperature objectives would be useful for facilitating the development of temperature TMDLs for temperature impaired waterbodies in the North Coast Region. Staff recommends completion of a Basin Plan Amendment addressing water quality objectives for these two stressors for all North Coast Region waterbodies.

The issue related to DO measurements in the City of Santa Rosa's wastewater treatment ponds are a permitting issue and will be referred to the appropriate staff.

Proposed Priority: High

ISSUE # 6: CONSIDER SPECIFIC OBJECTIVES FOR NUTRIENTS

Testimony:

During oral testimony at the Santa Rosa workshop and in letters dated July 6, 2001, the Russian River Watershed Protection Committee (RRWPC) and Russian RiverKeeper, stated that they supported this effort. The RRWPC submitted, for the record, a study by Dr. Dan Wickham and Robert Rawson, on phosphate contributions from the City of Santa Rosa's wastewater. In addition, the RRWPC inquired if the Regional Water Board would agree that all sources of phosphates should be monitored and a TMDL established.

Discussion and Response:

Monitoring for phosphates is a permitting issue, which we agree should be considered by the appropriate staff. The reports submitted by the RRWPC will be forwarded to the appropriate Watershed Protection Division staff. The TMDL for Laguna de Santa Rosa was established under USEPA's consent decree and did not include phosphates (see Response to Issue # 9 – *TMDL Implementation Strategies*). Listing the Laguna de Santa Rosa for phosphates is an issue which the RRWPC has appropriately addressed with staff handling the 303(d) listing process.

USEPA's Clean Water Action Plan calls for EPA to develop nutrient criteria for lakes, streams, estuaries, and wetlands for fourteen (14) delineated eco-regions by the end of the year 2001. At the same time, the USEPA will issue criteria development guidance for states to develop and adopt nutrient criteria by the year 2003. Regional Water Board staff is participating in discussions regarding the development of criteria with USEPA. Once the guidance is promulgated, a Basin Plan Amendment will be necessary.

Proposed Priority: High

ISSUE #27: ADD WATER QUALITY OBJECTIVES FOR AMMONIA AND TOTAL RESIDUAL CHLORINE

Testimony:

The Russian River Watershed Protection Council (RRWPC) stated, in their letter dated July 6, 2001, that they strongly support water quality objectives for ammonia and residual chlorine. The RRWPC added that the City of Santa Rosa should be required to measure for chlorine residual at all discharge points as long as they are still using it in their treatment process.

Discussion and Response:

An announcement in the Federal Register of the availability of USEPA's latest revised national criteria guidance for ammonia was published on December 22, 1999, with a time-frame for expected state adoption of numeric criteria that will be applicable to all State waters. As noted in the announcement, USEPA will likely promulgate criteria for any State that does not adopt such criteria into its water quality standards, in order to ensure that ammonia criteria are in effect in all states by 2004. USEPA's water quality criteria guidance for chlorine is titled Ambient Water Quality Criteria for Chlorine 1984 (USEPA 440/5-84-030), and was published in January 1985. The Basin Plan should be revised to include objectives for these pollutants.

Monitoring for residual chlorine is a permitting issue. This appears to be a valid recommendation and the information provided will be given to the appropriate staff.

Priority: High

ISSUE #24: TRINITY RIVER TEMPERATURE OBJECTIVES

Testimony:

None received.

Discussion

The responsibility for protecting the beneficial uses of water in the Trinity River is shared between the Hoopa Valley Tribe and the North Coast Regional Water Board. The tribe submitted their Water Quality Control Plan to USEPA this year and is currently awaiting

approval. This document includes temperature objectives for the Trinity River on the Hoopa Reservation, which are consistent with the *Flow Evaluation Study* conducted by the Fish and Wildlife Service, the Hoopa Valley Tribe and other agencies. Presently, the Basin Plan contains temperature objectives for the Trinity River between Lewiston Dam and Douglas City and between Lewiston Dam and the North Fork Trinity River.

USEPA has requested that the Basin Plan be revised to include temperature objectives that are, at a minimum, consistent with the *Flow Evaluation Study*. Temperature will be addressed in the South Fork Trinity River as part of the TMDL to be completed by USEPA in 2008. Regional Water Board staff agrees that consistency issues need to be addressed and the Basin Plan may need to be amended to address this issue.

Priority: High

ISSUE #31: REVIEW BASIN PLAN FOR CONSISTENCY WITH STATEWIDE PLANS & POLICIES

Testimony:

The Russian River Watershed Protection Council, commented in their letter dated July 6, 2001, that they support this issue.

Discussion and Response:

Staff recommends that a review of the Basin Plan be conducted to confirm that it is consistent with Statewide Plans and Policies (i.e. Enclosed Bays and Estuaries Plan, Inland Surface Waters Plan), especially in regard to toxicity. The State Plans and Policies govern in the event of an inconsistency, but Basin Plan amendments would be warranted in order to help avoid confusion.

One example of the need for this review is that The Ocean Plan has been revised and will be finalized soon. One significant change is language in the Ocean Plan regarding discharges to Areas of Special Biological Significance (ASBS). This change will include prohibition of all discharges (point and non-point) to these areas. The Basin Plan references the ASBS on the first page of the Implementation Section and may warrant revision.

Priority: Medium

ISSUE # 3: REVIEW THE POLICY ON THE CONTROL OF WATER QUALITY WITH RESPECT TO ON-SITE WASTEWATER TREATMENT AND DISPOSAL

Testimony:

By letter dated July 6, 2001, the Russian River Watershed Protection Council (RRWPC) urged the Regional Water Board to study the role of trees, especially redwoods, in absorbing septic waste. The RRWPC referred to a study (submitted for the record) conducted by the City of Santa Rosa, which “showed that redwoods with emitters used

three times the water than was used through irrigation on city farms.” They requested that the Regional Water Board discuss the feasibility of this idea.

Robert Rawson, Industrial Wastewater Solutions, at the Santa Rosa workshop on June 12, 2001, and in a letter dated July 6, 2001, requested that the Regional Water Board place the highest priority on reviewing this policy during this Triennial Review. He requested slight modifications to the Basin Plan, adding favorable language to encourage advanced technologies such as evapo-transpiration enhanced leach disposal. Mr. Rawson’s letter detailed specific aspects of the Individual Systems Policy, which he would like to see reviewed and submitted performance data for new technologies.

Don McEnhill, RiverKeeper, commented at the Santa Rosa workshop and in a letter dated July 6, 2001, that the Regional Water Board should add something in the Basin Plan regarding investigation of septic technologies that are not currently allowed in Sonoma County. He stated that there is a lot of technology available that is not currently utilized, that could provide higher quality treatment. RiverKeeper added support for the comments submitted by Robert Rawson and the RRWPC on this issue.

Discussion and Response:

This Basin Plan Policy, including the elements described in the testimony, was reviewed and updated by the Regional Water Board on May 23, 1996. Section IV.I.5. of the Basin Plan Individual Systems Policy includes provision for alternative systems not specifically listed in the Policy to be evaluated jointly by the local regulatory agency and the Regional Water Board on a case-by-case basis.

AB 885 (2000) requires the State Water Board to adopt regulations/standards for onsite septic systems by January 1, 2004 that will:

1. Consider minimum operating requirements (including construction, siting and performance requirements).
2. Include requirements for onsite systems adjacent to impaired waters listed pursuant to 303(d) of the Clean Water Act.
3. Authorize a qualified local agency to implement the requirements developed by the SWRCB.
4. Provide that these regulations or standards shall apply, six months after adoption, to systems that are newly constructed, replaced, pooling to the surface or can impair the beneficial use of state waters or the public health.

The existing North Coast Basin Plan already addresses most of the issues contained in AB 885. Staff is participating in the statewide technical group that will provide compliance with the directives of AB 885. It would be appropriate to apply those statewide regulations/standards to updating the North Coast Basin Plan at that time.

Proposed Priority: Medium

ISSUE #23: REVIEW THE WATER QUALITY PROBLEMS WHICH RESULT FROM GRAVEL MINING

Testimony:

In their memorandum dated August 27, 1998 and during the Yreka Triennial Review workshop on June 6, 2001, the California Department of Fish and Game concurred with Regional Water Board staff regarding the need to evaluate water quality impacts of instream gravel mining operations.

Sharon River Watershed Protection Council, commented in letters dated July 6, 2001, that Marchetti, Technical Specialist - Water, St. Joseph Health, Russian RiverKeeper and Russian they strongly encourage a Basin Plan amendment on this issue.

Sharon Marchetti also inquired as to whether the Regional Water Board is assessing the cumulative impacts of gravel mining to drinking water quantity and quality and the impact to aquifer recharge and storage.

Russian RiverKeeper contends that gravel-mining violates the antidegradation Policy of the Clean Water Act and requested turbidity studies above and below mined areas to evaluate the impacts of mining.

Discussion and Response:

As part of the US Army Corps Section 404 permitting process, Regional Water Board staff issues 401 water quality certifications for many instream gravel mining projects. These certifications include monitoring plans to measure turbidity, channel morphology changes, and other parameters. Staff will continue to evaluate other permitting options as well, such as Waste Discharge Requirements.

Elements in a future comprehensive management plan for the Russian River may address land use and other impacts to beneficial uses, which result from gravel mining. This would include drinking water quantity/quality and aquifer recharge/storage as others. Such a plan may also include a water quality element which will describe the activities which the Regional Water Board will regulate under its authority provided by Porter-Cologne. Regional Water Board staff recommends that gravel mining issues be reviewed and the possibility of a Basin Plan Amendment considered.

Proposed Priority: Medium

ISSUE #10: REVIEW THE SEASONAL WASTE DISCHARGE PROHIBITIONS IN SECTION 4. IMPLEMENTATION PLANS

Testimony:

Miles Ferris, Director of Utilities, City of Santa Rosa Subregional System, during oral testimony given at the Yreka workshop on June 6, 2001, requested exception to the

seasonal discharge prohibition for the purpose of managing wastewater storage facilities under unusual weather conditions. As an example, Mr. Ferris explained the situation encountered with heavy rainfall in late May 1998. The Russian River flow at the time, “exceeded 10,000 cubic feet per second, which would have been ample flow to discharge the volume which would have normally been irrigated.” As that was not an option, a critical storage situation arose.

The Russian River Watershed Protection Committee (RRWPC), Russian RiverKeeper, and Sharon Marchetti, Technical Specialist- Water, St. Joseph Health System, in letters dated July 6, 2001, strongly objected to the City of Santa Rosa’s request for the Regional Water Board to consider modification of the Basin Plan to provide exception to the seasonal discharge prohibition for the purpose of managing wastewater storage facilities under unusual weather conditions. In addition, they stated that the Regional Water Board should look at the possibility of shortening their discharge season. Ms. Marchetti inquired as to the location of wastewater discharge points to the Russian River and also asked when the Regional Water Board intends to evaluate the cumulative impacts to the Russian River drinking water.

The RRWPC submitted several articles relating scientific studies of estrogenic chemicals (phthalates), pharmaceuticals, and personal care products and their associated effects on the environment. They stated that studies have shown that many of these substances may cause cancer, neurological damage, and immunological and developmental damage in both humans and wildlife.

Discussion and Response:

Issues related to reviewing the Seasonal Discharge Prohibitions section of the Basin Plan are potential Basin Planning issues. The seasonal discharge prohibitions contained in Section 4 of the Basin Plan have been through lengthy deliberations before the Regional Water Board. The seasonal discharge prohibitions provide extra protection to the Russian River and other North Coast streams and this extra protection is justified in light of the intensive demands placed on those waters (e.g., many human induced impacts; the need to protect beneficial uses such as drinking water, recreation, fisheries).

Monitoring for additional constituents not currently required under permits is an issue that Regional Water Board staff is currently reviewing. The references submitted will be forwarded to appropriate staff.

Some Regional Water Board staff time should be spent evaluating this issue for a possible Basin Planning Amendment or addressing it through the permitting process. As with the mixing zone issue, changing the Basin Plan conditions on timing and dilution of wastewater may represent “backsliding.” However, as unusual weather circumstances resulting in critical storage issues are rather uncommon, this is not a high priority issue.

Proposed Priority: Medium

ISSUE # 36: IN-STREAM FLOWS

Testimony:

The Russian River Watershed Protection Council, commented in their letter dated July 6, 2001, that they support this issue.

At the June 6, 2001 workshop in Yreka, Miles Ferris, Director of Utilities, City of Santa Rosa, requested that discussion of this issue include evaluation of recycled water as a means of maintaining adequate stream flow. He stated, “recycled water is a suitable source of water for maintenance of beneficial uses in some cases but regulatory constraints prevent its use for this purpose.

During the Santa Rosa workshop on June 12, 2001, Brian Hines requested that the imbalance in wastewater discharges versus demand for water diversions be reviewed. He stated that there is a need for water budgets for tributaries as they are the spawning and rearing grounds for endangered salmonids.

Discussion and Response:

Maintenance of beneficial uses through maintaining adequate in-stream flows has been raised as a concern in TMDL stakeholder meetings and various other forums. There is need for improved coordination between the Regional Water Boards and the Division of Water Rights. Regional Water Board staff propose to review the possibility of a Basin Plan Amendment addressing flow issues as they relate to water quality. Staff will include discussion on the issues related to recycled water as part of this review.

Proposed Priority: Medium

ISSUE #35: EDITORIAL REVISIONS AND MINOR CLARIFICATIONS OR CORRECTIONS TO TEXT AND REFERENCE TO NEW LAWS, PLANS AND REGULATIONS

Testimony:

Sari Sommarstrom, Ph.D., watershed consultant, commented at the Triennial Review workshop in Yreka on June 6, 2001, that the Basin Plan is outdated with regard to referencing on-going programs, such as the Klamath Fishery Restoration Program. She requested that the Basin Plan be updated to address how the various State and Federal agency watershed programs fit together. She requested that the role of collaborative watershed groups be recognized in the Basin Plan.

Discussion and Response:

Regional Water Board Staff has identified several editorial revisions and minor clarifications or corrections to Basin Plan text. In addition, references to new laws, plans and regulations may be necessary. Staff recommends researching areas of the Basin Plan that may require minor updating. This effort could include adding recognition of the various programs watershed efforts in the North Coast Region.

Proposed Priority: Low

ISSUE #4: UPDATE THE POLICY ON THE DISPOSAL OF SOLID WASTES

Testimony:

None received.

Discussion and Response:

There has been no staff effort to update this Policy since the 1995 Triennial Review. However, the issues brought up during the 1995 Triennial Review are still pertinent and are described as follows:

1. Assembly Bill 1220 created legislation that combined a portion of SWRCB Chapter 15 Title 23, CCR with a portion of the California Integrated Waste Management Board (CIWMB) Title 14, CCR regulations into a new set of Title 27, CCR State Solid Waste Management regulations. The Basin Plan does not describe the clarification and division of solid waste regulatory authority and responsibility between the CIWMB and the State Water Board which resulted from this legislation.
2. The Basin Plan does not include Order No. 93-83 adopted by the Regional Water Board on September 22, 1993 which implements applicable federal solid waste regulations set forth in RCRA Subtitle D for all municipal solid waste landfills.

The Basin Plan Policy on Disposal of Solid Wastes contains outdated references to the Solid Waste Assessment Testing program (SWAT) and is in need of update to reflect more recent legislative mandates.

It would be beneficial to review this policy for potential Basin Plan revision.

Proposed Priority: Medium

ISSUE #33: REVIEW POLICY FOR WAIVERS OF WDRs FOR SPECIFIC TYPES OF DISCHARGES (BASIN PLAN APPENDIX II)

Testimony:

The Russian River Watershed Protection Council, commented in their letter dated July 6, 2001, that they support this issue.

Phil Dietrich, U.S. Fish and Wildlife Service and Tom Schott, U.S. Department of Agriculture, Natural Resource Conservation District, requested at the Yreka and Santa Rosa workshops, respectively, that the Regional Water Board consider waiving the \$1,000 fee that is charged to many landowners implementing restoration projects. Unfortunately, the fee is often a deterrent to landowners considering watershed restoration projects. Mr. Dietrich also requested that the Regional Water Board and other agencies involved (Corps of Engineers & CDFG), look at streamlining the permitting process for restoration projects, as it is extremely lengthy in most cases.

Discussion and Response:

Regional Water Board staff is currently involved in a permit streamlining pilot project being conducted in the Navarro watershed. Staff is hopeful that this model will be successful and lead to a coordinated approach in other watersheds throughout the State. Staff agrees that the permitting issue related to waiver of fees for restoration projects is a valid concern and has referred this to the appropriate staff for further discussion.

SB 390 (2000) addressed the need for adequate reviews of waivers of waste discharge requirements. The legislation includes the following:

- Sunsets all existing waivers by 2003
- Waiver policy terms must be reviewed at a public hearing
- Requires Regional Water Boards to inspect all waivers

Waiver of waste discharge requirements for some discharges remains essential, therefore, a revised policy (Basin Plan Amendment) is required. However, staff judges that many historical waivers will be replaced by general waste discharge requirements in the future.

Proposed Priority: Medium

ISSUE #7: AMEND SECTION IV, IMPLEMENTATION PLANS, NONPOINT SOURCE MEASURES

Testimony:

Russian RiverKeeper (July 6, 2001 letter) states that turbidity monitoring is necessary because over thirty (30) percent of the Russian mainstem is impacted by gravel mining, flood control sediment removal, and “channel maintenance.” Russian RiverKeeper believes that the net effect of these activities is increasing sediment in the river and that

the Regional Water Board is not studying turbidity above and below gravel mining or “channel maintenance” sites. Russian River Keeper requests that urban runoff including metals, petroleum residues, pesticides, herbicides, and other urban runoff constituents receive more focus.

Discussion and Response:

If Section IV were amended to address in-stream water quality information relating to turbidity and sedimentation then monitoring related to gravel mining and “channel maintenance” would be evaluated. The Regional Water Board is, however, already in the process of revising all gravel mining permits in the Russian River with special emphasis on improving the required monitoring. Gravel mining is also addressed under Issue #23, *Review the Water Quality Problems Resulting from Gravel Mining*. Currently, “channel maintenance” activities are addressed through the US Army Corps Section 404 permitting process and the Regional Water Board’s 401 Certification Program, which can include monitoring requirements including analyses for fine sediments and/or turbidity.

In 1995 the State Water Board initiated a statewide review of ten areas with respect to nonpoint source pollution control: irrigated agriculture, nutrient application, pesticide application, confined animal facilities, grazing, abandoned mines, urban runoff, hydro modification and wetlands, on-site sewage disposal systems, and boating and marinas.

The State Water Board accepted the recommendations of the review in January 1996, and endorsed the recommendations as representing a reasonable course for improvements in pollution. These recommendations are now key elements of the State Water Board’s recently adopted Nonpoint Source Program Plan.

One issue associated with sediment discharges involves the need for sound in-stream water quality information relating to turbidity and sedimentation. These monitoring needs are not currently addressed in the Basin Plan. Staff recommends consideration of a Basin Plan Amendment to acknowledge the State’s Nonpoint Source Plan and to address monitoring. A review should be conducted by staff to determine if this can be accomplished concurrently with Issue #12, *Update Section IV. Implementation Plans, Nonpoint Source Measures with Regard to Logging, Construction, and Associated Activities and Herbicide Wastes from Silvicultural Applications*. Staff may want to ask the Board to consider separate implementation for nonpoint source activities such as; hillside vineyards, logging, grazing, construction, and confined animal facilities.

Proposed Priority: Medium

ISSUE # 25: EXPAND ANTIDEGRADATION POLICY IMPLEMENTATION DISCUSSION

Testimony:

In a letter dated July 6, 2001, Russian RiverKeeper requested that the Regional Water Board designate the Russian River as an “outstanding water”. They feel that Tier III designation is warranted because it has supported three species of now endangered anadromous fish and because it supports domestic and municipal water supplies. They feel the current anti-degradation policies do not address the obligation of the Board to stop activities that degrade the Russian River. The activities listed include gravel mining, agriculture, channel maintenance, and forestry activities.

Discussion and Response:

The issue was raised by the USEPA requesting that the discussion of implementation of the State’s antidegradation policy (*Policy with Respect to Maintaining High Quality Waters in California*, Resolution 68-16) be expanded to clarify consistency with the federal policy. Regional Water Board staff proposes a review of this issue to explore clarifying the explanation of the antidegradation policy and the possibility of nominating North Coast Region waterbodies as potential candidates for the “outstanding water” designation.

Priority: Medium

ISSUE #11: AMEND SECTION 4. IMPLEMENTATION PLANS TO RECOGNIZE CALIFORNIA’S SOURCE WATER ASSESSMENT PROGRAM

Testimony:

In a letter dated July 6, 2001, Sharon Marchetti, Technical Specialist - Water, St. Joseph Health System, commented that she agrees with staff that this issue should remain on the 2001 Priority List. She inquired as to what recommendations or requirements the Regional Water Board will define for broader source water assessment and what methods can be employed to expand well-head protection (DOM and MUN uses) in the Basin Plan. Ms. Marchetti supports the position of the RRWPC “that the community will not accept continued discharge to the Russian River, that year-round discharge is not acceptable, and that discharge through the Geysers conveyance system should not be permitted into drinking water supply.”

Curt Erickson, Salmon Creek and Blucher Creek Watershed Council, recommended at the June 12, 2001 hearing, that the Regional Water Board “lobby the County Board of Supervisors to have a broader review of water availability in the county (not just in water-scarce areas).” He stated that there is minimal data related to this issue and that the Board of Supervisors is not paying attention to this issue. Only fourteen counties have water regulatory ordinances and only one of these addresses agriculture uses. Agriculture

is exempt in the other thirteen. He added that, “property lines do not apply when it comes to water withdrawal.”

Discussion and Response:

Under the Federal Safe Drinking Water Act (SDWA), each State was required to prepare a well-head protection program and submit the plan to USEPA by June 19, 1989.

Because the mandate did not include funding for the program, many states including California did not develop a program.

The 1996 Amendments to the SDWA established a well-head protection program for states called the Source Water Assessment Program (SWAP), which was developed in California by the State Department of Health Services. The SWAP includes assessment elements, protection elements, and specific procedures for delineating source protection areas for both ground and surface waters.

The City of Sebastopol was the first community in the State to establish a well-head protection program under the SWAP. The Regional Water Board may be requested to implement controls to protect some of these designated areas. Regional Water Board staff recommends consideration of a Basin Plan Amendment to recognize designated protection areas.

Proposed Priority: Medium

ISSUE #29: WORK WITH ENVIRONMENTAL OR “GREEN” INCENTIVE PROGRAMS (SUCH AS FISH FRIENDLY FARMING) TO EXPLORE ADDING APPLICABLE ACTION PLANS INTO THE BASIN PLAN

Testimony:

The Russian River Watershed Protection Council and Russian RiverKeeper, stated, in their letters dated July 6, 2001, that they support the work proposed under this issue. They urged the expansion of Fish Friendly Farming to more landowners of agriculture property. RiverKeeper requested that if the Regional Water Board “signs on to this effort” that they ensure that the program addresses all water quality impacts and specifically listed several items related to wine industry processes.

Discussion and Response:

There are several “Green” or environmental incentive-based programs for businesses in the North Coast Region. Fish Friendly Farming is an example of this type of certification program that will provide an incentive-based framework for the farmer to gain an economic benefit from the sale and marketing of “Eco-friendly or green” products, such as wine, while being protective of water quality and the environment. Staff has been working with local agencies and organizations on this issue.

Priority: Medium

ISSUE #34: ADD BIOCRITERIA OBJECTIVES

Testimony:

The Russian River Watershed Protection Council, commented in their letter dated July 6, 2001, that they support this issue.

Discussion and Response:

Development of biocriteria is identified in USEPA's *Water Quality Criteria and Standards Plan* (May 1998), as one of six priority objectives for the water quality standards program over the next decade. USEPA Region IX's Biocriteria Plan, consistent with these priorities, seeks to work with states through grants and technical assistance to ensure progress to realize the full potential of bioassessments and biocriteria for managing water quality and protecting aquatic life in all water bodies.

Staff recommends commencing a review of available biocriteria to determine applicability for inclusion in the Basin Plan.

Priority: Medium

ISSUE #30: CONSIDER UPDATING THE POLICY ON PESTICIDE APPLICATION

Testimony:

The Russian River Watershed Protection Council (RRWPC) stated, in their letter dated July 6, 2001, that they "support updating the policy on pesticide application (not just in reference to silviculture operations)."

The RRWPC inquired on the status of a recent court decision (March 12, 2001 decision of the Ninth Circuit Court of Appeals in *Headwaters, Inc. v. Talent Irrigation District*) which clarified that NPDES permits are necessary for applications of pesticides to waters of the state. They asked Regional Water Board staff to provide a copy of this ruling which staff has done.

Discussion and Response:

The Basin Plan currently contains an "Action Plan for Control of Discharges of Herbicide Wastes from Silvicultural Applications." Staff is aware of the possible need to update this Action Plan and possibly expand its applicability as well as to address changes in legislation and applicable water quality objectives. This will be completed under Issue #12 – *Update Section IV Implementation Plans, Nonpoint Source Measures, with Regard to Logging, Construction, and Associated Activities and Herbicide Wastes from Silvicultural Applications*. The State Water Resources Control Board is proposing a general NPDES permit to address the *Headwaters, Inc. v. Talent Irrigation District* decision, and public hearings will be scheduled to solicit testimony in that matter.

Staff recommends review and consideration of a separate Basin Plan amendment specifically addressing pesticides under Section IV, Implementation Plans.

Priority: Medium

ISSUE #28: UPDATE pH OBJECTIVE

Testimony:

Robert Rawson, Industrial Wastewater Solutions, stated at the Santa Rosa workshop on June 12, 2001, that this is an economic issue. He recommended that the water purveyors correct the low pH at the source as it is “corrosive to plumbing and metals can accumulate in sludge as well as in discharge waters.”

Discussion and Response:

Some Eel River municipal dischargers have raised issues regarding attainability of the pH limit. The pH objective for the Eel River is 6.5 to 8.5, consistent with the overall pH objective for all regional waters. Regional Water Board staff does not recommend consideration of this issue as it would constitute backsliding from current performance.

Priority: N/P

ISSUE # 2: REVIEW WATER QUALITY PROBLEMS IN THE KLAMATH, SCOTT, AND SHASTA RIVERS

Testimony:

In the Triennial Review workshop held in Yreka on June 6, 2001, the California Department of Fish and Game and Sari Sommarstrom, Ph. D., watershed consultant, expressed their support of the various planning efforts in the Klamath Basin and requested that the Regional Water Board continue to give top priority to water quality issues in the Klamath Basin.

Discussion and Response:

We appreciate the commentor’s support and agree that the Regional Water Board should continue involvement in water quality issues in the Klamath Basin. This issue was raised by Regional Water Board staff as a carry-over issue from the 1995 and 1998 Triennial Reviews. Development of a TMDL and implementation plan is scheduled for the end of the year 2004 for the Klamath River and the end of the year 2005 for the Scott and Shasta Rivers. As acknowledged in the 1998 Triennial Review Staff Report dated October 1998, the Regional Water Board will continue to support the various planning efforts in these watersheds; however, amendment of the Basin Plan is not recommended.

Proposed Priority: N/P (Not a priority for the Triennial Review list, but recognized as a priority issue for the TMDL, monitoring, nonpoint source, and assessment programs of the Regional Water Board.)

ISSUE #19: UPDATE DISSOLVED OXYGEN (DO) OBJECTIVE FOR THE RUSSIAN RIVER

Testimony:

In a letters dated July 6, 2001, the Russian River Watershed Protection Council (RRWPC) and Russian RiverKeeper stated that they support updated DO requirements. They inquired as to how this would interplay with Issue #5 *Consider Revisions to the Water Quality Objectives for DO and Temperature* (as identified in the 5/4/01 Triennial Review Public Report). They recommended that the updated requirements include diurnal DO readings.

Discussion and Response:

Current Russian River DO water quality objectives appear adequate in protecting all salmonid life cycle stages except embryo and larval stages. Regional Water Board staff is preparing a Basin Plan amendment to address this issue based on review of the literature and other regions' and states' DO objectives. The amendment would be fully protective of all salmonid species lifestages with regard to DO.

In addition to updated water quality objectives, the Basin Plan amendment will also include an implementation plan and a monitoring plan. Monitoring requirements would include a review of round-the-clock DO readings. The information resulting from this project will assist in developing objectives for other waterbodies in the future. Issue #5 *Consider Revisions to the Water Quality Objectives for DO and Temperature* is proposed to address objectives for waterbodies regionwide. Please see Issue #5 for additional testimony and response related to this issue.

Priority: N/A – To be completed with funding under the SCWA contract

ISSUE #20: UPDATE THE TEMPERATURE OBJECTIVE FOR THE RUSSIAN RIVER

Testimony:

In a letters dated July, 6, 2001, the Russian River Watershed Protection Council (RRWPC) and Russian RiverKeeper stated that their support for updating the temperature objective. The RRWPC requested that the impacts of wastewater discharges on temperature be addressed, as well as Sonoma County Water Agency (SCWA) channel management for flood control. They included a report on channel maintenance by SCWA (Entrix, 2001) and questions regarding the presentation to the Board of Supervisors on this document.

Discussion and Response:

The temperature objective in the Basin Plan should be improved to provide increased protection to salmonid species. Regional Water Board staff is preparing a Basin Plan amendment to update the existing temperature objective specifically for the Russian River. This will include a strategy to apply the proposed objective (an implementation

plan and a monitoring plan). The resulting information will assist Regional Water Board staff in developing objectives for other waterbodies in the future.

Issues related to removal of riparian vegetation as well as other activities will be reviewed as part of this process. Riparian vegetation removal is also a permitting issue currently under review by Regional Water Board staff.

Priority: N/A – To be completed with funding under the SCWA contract

ISSUE # 21: UPDATE SEDIMENT OBJECTIVE FOR THE RUSSIAN RIVER

Testimony:

The Russian River Watershed Protection Committee (RRWPC) (July 4, 2001 letter) and the Russian RiverKeeper (July 6, 2001 letter) state support for the sediment objective update in the Russian River, including the monitoring component. The RRWPC questions whether the update will lead to a TMDL and asks what needs to be done in addition to the update in order to bring about a TMDL. The Russian RiverKeeper requested that the comments submitted regarding Issue #18 apply to this issue as well. Their comment requests that sediment control plans tie into the aforementioned Section 7 process for the Russian River watershed.

Discussion and Response:

The update of the sediment objective for the Russian River is separate from the sediment TMDL for the same area. The sediment objective update is funded under contract with the Sonoma County Water Agency and is currently underway. The sediment TMDL is scheduled for completion in 2011; however, the Regionwide Action Plan for Control of Sediment Discharges is expected to apply to the Russian River watershed prior to completion of the TMDL. The sediment objective update for the Russian River will undergo Section 7 consultation under the federal Endangered Species Act.

Priority: N/A- Funded for completion under SCWA contract

ISSUE #22: UPDATE ALUMINUM OBJECTIVE FOR THE RUSSIAN RIVER

Testimony:

In a letter dated July 6, 2001, Russian RiverKeeper stated their support for this issue.

Discussion and Response:

The aluminum objective found in the Basin Plan does not appear protective of salmonid species. Regional Water Board staff will recommend the adoption of USEPA criteria.

In addition to updated water quality objectives, the Basin Plan amendment will also include an implementation plan and a monitoring plan. The resulting information will assist us in developing objective for other waterbodies in the future.

Priority: N/A – To be completed with funding under the SCWA contract

OTHER ISSUES

ISSUE: NORTH COAST REGION SATELITE OFFICE

Testimony:

Sari Sommarstrom, Ph.D., Watershed Consultant, requested that the role of collaborative watershed groups be addressed in the Implementation Section of the Basin Plan. Ms. Sommarstrom requested that Regional Water Board staff be more available in the northern portion of our region to participate on a regular basis with the local watershed groups. She requested that the North Coast Regional Water Board open a northern “satellite” office. The US Forest Service and the Department of Fish and Game agreed that the Regional Water Board should have an office in the northern portion of the region (Eureka and/or Yreka).

Discussion and Response:

This is not a Basin Planning issue. Staff explained that there are funding issues related to this matter. The Regional Water Board staff is investigating several options for providing space for staff in northern areas, which includes the option of an actual satellite office.

Priority: N/A

ISSUE: TRIENNIAL REVIEW SCHEDULE

Testimony:

The Russian River Watershed Protection Council and Russian RiverKeeper, in letters dated July 6, 2001, stated that the Triennial Review process should be extended three months in order for the Regional Water Board’s new Executive Officer to be “hired and acclimatized.”

Discussion and Response:

The Regional Water Board has the option of postponing the adoption of the 2001 Triennial Review Priority List when it is presented to them at the August 23, 2001 hearing. Regional Water Board staff is recommending that the List be adopted so that work can begin as soon as possible on high priority items.

Priority: N/A

ISSUE: ACTION PLAN FOR THE SANTA ROSA AREA

Testimony:

The Russian River Watershed Protection Council (RRWPC), in their letter dated July 6, 2001, stated that they believe the Action Plan for the City of Santa Rosa in the Basin Plan

should be updated. This statement was made “in light of the fact that Santa Rosa is not only not “getting out of the river, but rather plans to expand use of that waterbody.”

The RRWPC asked several questions specific to the Action Plan. They also raised many valid issues related to monitoring (see letter dated July 6, 2001).

Discussion and Response:

The Action Plan for the City of Santa Rosa was included in the Basin Plan as an interim guidance document. The Action Plan had a sunset clause which came into effect on September 30, 1999. The City of Santa Rosa, in response to the Regional Water Board’s Cease and Desist Order (85-35), undertook the Geysers Recharge Project which is under NPDES permit # 2000-02, adopted on March 1, 2000 by the State Water Board.

Specific issues related to monitoring the City of Santa Rosa’s wastewater discharge are addressed through their permit. Valid issues related to the permit were raised by the RRWPC and will be forwarded to the appropriate staff.

Regional Water Board staff recommends placing this issue on the 2001 Priority List to commence a review of the Action Plan. Staff should consider revising the Action Plan, not as an interim guidance document as originally intended but, to address issues specific to the Russian River watershed. Staff appreciates the comments made by the RRWPC. These comments will be considered in addressing this issue.

Priority: Medium

ISSUE: MONITORING DATA AND REPORT AVAILABILITY

Testimony:

During the Santa Rosa workshop on June 12, 2001, Zino Switink, Atascadero and Green Valley Creeks Watershed Council, requested that the Regional Water Board give more feedback to stakeholders by posting monitoring data on its website. In addition, he suggested posting data at monitoring stations indicating water quality trends over time. Brian Hines added that a good example of this sort of outreach is the Chesapeake Bay model.

Discussion and Response:

This is not a Basin Planning issue. However, staff appreciates these comments and will take them into consideration as we continue to expand our outreach via the website and other methods.

Priority: N/A

Table 1
2001 Triennial Review: Proposed Priority List of Planning Issues

Priority/ Rank	Issue #	Project	Est. Staff Effort	Est. Staff Resources Available
1 (H)	8	Amend Table 2-1 & Beneficial Uses Section	0.5*	0.5
2 (H)	18	Develop Regionwide Action Plan for Control of Sediment Discharges	2.0*	2.0
3 (H)	9	Amend Section IV. Implementation Plans To Include TMDL Implementation Strategies for 303(d) Listed Waterbodies	0.5*/ TMDL	2.0
4 (H)	13	Develop Basin Plan to Recognize the California Toxics Rule	1.0*	1.0 (0.5 PY planning)
	14	Consider Revision to the Water Quality Objective For Toxicity		
	17	Review Policy Regarding Water Quality-Based Effluent Limitations and Mixing Zones		
	16	Review Chemical Objectives in Section 3 Water Quality Objectives- Title 22 Reference		
	15	Compliance Schedule Issues		
5 (H)	12	Update Section IV. Implementation Plans, Nonpoint Source Measures with Regard to Logging, Construction, and Associated Activities and Herbicide Wastes from Silvicultural Applications	1.0*	1.0 (0.5 PY planning)
6 (H)	32	Update the Water Quality Objectives for Groundwater to Include All Objectives Applicable to Identified Groundwater	0.2	0.5
7 (H)	26	Add Water Quality Objectives for Bacteria	0.5*	0.5
8 (H)	5	Consider Revisions to the Water Quality Objectives for DO and Temperature	1.0*	0
9 (H)	6	Consider Specific Water Quality Objectives for Nutrients	1.0*	0
10 (H)	27	Add Water Quality Objectives for Ammonia and Total Residual Chlorine	0.4*	0
11 (H)	24	Update Trinity River Water Quality Objectives for Temperature	0.5*	0
12 (M)	31	Review Basin Plan For Consistency With Statewide Plans and Policies	0.2**	0
13 (M)	3	Review the Policy on the Control Of Water Quality with Respect to On-Site Waste Treatment and Disposal Practices	0.2**	0
14 (M)	23	Review the Water Quality Problems Resulting from Gravel Mining	0.5**	0

15 (M)	10	Review The Seasonal Waste Discharge Prohibitions in Section IV. Implementation Plans	0.4**	0
16 (M)	36	In-Stream Flows- Participate in Regionwide Discussions and Consider a BP Amendment	0.4**	0
17 (M)	35	Editorial Revisions and Minor Clarifications or Corrections to Text and Reference to New Laws, Plans and Regulations	0.2*	0
18 (M)	4	Update the Policy on the Disposal of Solid Wastes	0.4*	0
19 (M)	33	Review Policy For Waivers of WDRs for Specific Types of Discharges (Basin Plan Appendix II)	0.5*	0
20 (M)	7	Amend Section IV, Implementation Plans, Nonpoint Source Measures	0.5	0
21 (M)	25	Expand Antidegradation Policy Implementation Discussion	0.2*	0
22 (M)	11	Amend Section IV. Implementation Plans to Recognize California's Source Water Assessment Program	0.5*	0
23 (M)	29	Work with Environmental or "Green" Incentive Programs (such as Fish Friendly Farming) To Explore Adding Applicable Action Plans into the Basin Plan	1.0**	0
24 (M)	N/A	Consider Revising the Action Plan for the Santa Rosa Area	0.5**	
25 (L)	34	Add Biocriteria Objectives	1.0*	0
26 (L)	30	Consider Updating The Policy On Pesticide Application	0.4**	0
N/P	28	Update Water Quality Objective for pH	N/A	
N/P	2	Review Water Quality Problems In The Klamath, Scott, And Shasta Rivers	N/A	

* The estimated staff effort assumes completion of a Basin Plan Amendment through Board adoption

** Does not include time to complete a Basin Plan Amendment only staff review and discussion

